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INTELLIGENCE: THE RIGHT RULES

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The Israeli raid at Entebbe, the hostage rescue mission to Iran, and the rescue of Brigadier General James Dozier had one thing in common: No one in the public and few in the governments concerned knew anything about these actions beforehand. The need for secrecy in such military operations seems obvious. Less clear, but equally vital, is the importance of secrecy in other government activities such as intelligence operations during peacetime. This need has not changed significantly since 1777 when George Washington wrote: "The necessity of procuring good intelligence is apparent and need not be further urged—all that remains for me to add is that you keep the whole matter as secret as possible."

America's first president perhaps did not anticipate how difficult it would later become to reconcile the necessity for secrecy in intelligence activities with the constitutional provisions for open government and the guaranteed rights of Americans. The secret work of intelligence agencies inherently conflicts with the idea of openness; such secrecy can easily undermine individual rights in the name of protecting them. Consequently, every American administration has had to seek a balance between secrecy and openness.

From Washington's day until World War II, U.S. intelligence activities did not arouse significant concern because they were sufficiently limited. But in 1947, recalling the government's inability to bring together available intelligence that might have alerted the country to the impending attack on Pearl Harbor, President Truman centralized American intelligence activities. The president established the

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position of director of central intelligence to coordinate the various efforts spread across the defense, the Department of State, the Bureau of Investigation and the Central Intelligence Agency. The director would also be responsible for the collection and analysis of foreign intelligence data.

The concentration of intelligence activities in one agency clearly increased government activity and the potential for conflicts between secrecy and openness. In the climate of concern over U.S. intelligence operations, the need for secrecy came to light in the military and legislative branches. The government moved quickly to

limit intelligence operations and to restore traditional guarantees of personal rights. The destructive criticism of all secret intelligence activity during this period demonstrated how far the national attitude had shifted toward a concern for individual rights and high standards of legality even at the cost of national security.

In February 1976 President Ford issued an executive order governing the conduct of intelligence activities. In particular, the order laid down rules severely limiting intrusions into the lives of Americans. In January 1978 President Carter revised the Ford executive order, making minor changes in existing domestic constraints and establishing new procedures requiring the CIA director to clear sensitive collection activities in advance with the National Security Council (NSC). Congress established a requirement to review certain intelligence operations and set up two permanent committees to oversee intelligence activities.

But four years after the Ford executive order, concern that intelligence agencies might abuse secrecy began to diminish. The country was shaking itself free of the inhibiting consequences of its debacle in Vietnam and was ready to acknowledge once again the need to

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